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SUBJECT: ARMENIA RATIFIES HAGUE CONVENTION ON INTERCOUNTRY ADOPTION

REF: 05 YEREVAN 2042

¶1. SUMMARY: On November 14, President Kocharian signed into law the bill ratifying the Hague Convention on Intercountry Adoption. The GOAM had worked toward ratification for several years, but relevant agencies were divided on whether to ratify first and then work on implementation or implement first and then ratify. UNICEF and other international organizations had pushed for immediate ratification. A major turning point in the government's decision came after an Embassy IVP which sent key staff from the ministries involved to the U.S. to meet with the U.S. Hague Implementation team, among others. We believe that, in the absence of typical bureaucratic delays, Armenia is in a good position to come into compliance quickly because of recently-passed family legislation that was developed with eventual Convention ratification in mind. END SUMMARY.

¶2. The National Assembly had voted for ratification on October 23. This action was the culmination of several years of debate and deadlock within the ministries that implement adoption law in Armenia: principally the Ministry of Justice and Ministry of Labor and Social Issues. The Ministry of Labor and Social Issues had wanted to have all implementing regulations in place prior to ratification.

¶3. The Ministry of Foreign Affairs also plays a role in foreign adoptions. Foreign adoptions account for almost half of all adoptions in Armenia. According to Armenia's Statistical Service, in 2005 79 children were adopted, 32 by foreign citizens. American citizens account for most foreign adoptive parents. Embassy statistics show that in calendar year 2005, Amcits adopted 35 Armenian children. Canadian, French and Italian citizens also consistently adopt significant numbers of Armenian children.

¶4. The GOAM now must conduct a thorough legislative review and develop an implementation plan and time-table. UNICEF representatives said they believed the legislative gaps would be few, based on an overview legal analysis conducted recently. The GOAM adopted a new Family Law in 2004, with the help of UNICEF, the adoption provisions of which were aimed at Hague Convention compliance. The GOAM has been slow to implement these provisions, however. In the summer of 2005, they put into practice a provision giving the local court the final say on each adoption. The Ministry of Justice, which oversees the courts, is still in the process of developing guidance for judges, and UNICEF stands ready to provide training for judges as soon as the Ministry of Justice finalizes the guidance.

¶5. The major provision of the 2004 Family Law for which implementing regulations have yet to be written is the registration (or even just acknowledgement) of adoption facilitators, service providers and agencies. That issue is still the subject of lively debate among the government officials involved in adoption policy-making. The Minister of Justice, who has the most influence on this decision,

has thus far rejected all proposals, claiming he does not want adoption to become a business. He ignores the fact that in the current unregulated climate, adoption is big business for unscrupulous facilitators.

¶6. Public Affairs Section's ECA American Speaker program brought adoption attorney Irene Steffas to Armenia for two weeks in November 2005. She met with key personnel from the Ministries of Justice, Labor and Social Issues, and Foreign Affairs to discuss the U.S. model and U.S. efforts to implement the Hague Convention. The March 2006 IVP sent many of those same people to the U.S. to meet with the Hague Convention implementation office in CA/OCS/CI, officials at BCIS and to visit adoption agencies, social service providers and adopted children in two different communities. Participants returned with a much more favorable view of the outcome and safeguards for international adoption and the benefits of Hague Convention ratification.

¶7. Comment: After years of internal debate and periodic U.S. Embassy nudging, the government's decision to ratify the Hague Convention on Intercountry Adoption is a significant step forward but not the last step in the process. As with many other treaties and conventions, the government's commitment to the adoption convention can only be judged by implementation. This will be a long road. Despite the best interests of the children involved, adoptions by foreign parents -- particularly those who have no Armenian ancestry -- is generally scorned as a shameful affront to Armenian patrimony. International adoption is also an opportunity for Armenia's adoption bureaucracy, the numerous low- and high-level officials who must approve each step of the weighty process, to profit from pretty graft. For this reason, implementation will be an uphill battle in which we will use the Hague Convention as our benchmark.

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